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Atty Docket No. BRW003/142280

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Ben K. Rice.  
Serial No.: 10/671,222  
Date Filed: 09/24/2003  
For: Construction Safety Barrier

Group No.: 3679

Examiner: Ferguson, Michael P.

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AUTHORIZATION TO ACT IN A REPRESENTATIVE CAPACITY**

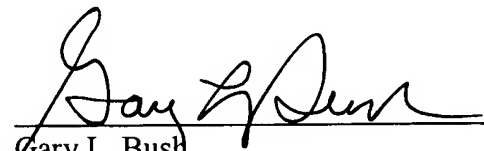
The practitioner named below is authorized to conduct interviews and has the authority to bind the principal concerned. Furthermore, the practitioner is authorized to file correspondence in the above-identified application pursuant to 37 C.F.R. § 1.34:

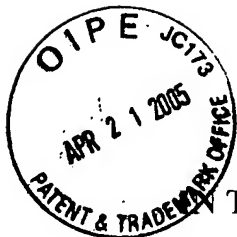
**Brett T. Cooke**  
**Andrews Kurth LLP**  
**600 Travis, Suite 4200**  
**Houston, Texas 77002**  
**Registration No. 55,836**  
**Tel. 713-220-3813**

*Note: This is not a Power of Attorney to the above-named practitioner. Accordingly, the practitioner named above does not have authority to sign a request to change the correspondence address, a request for an express abandonment, a disclaimer, a power of attorney, or other document requiring the signature of the applicant, assignee of the entire interest or an attorney of record. If appropriate, a separate Power of Attorney to the above-named practitioner should be executed and filed in the United States Patent and Trademark Office.*

Date: April 19, 2004

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**RESPONSE TRANSMITTAL**

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

1. Transmittal herewith are an Amendment and Authorization to Act in a Representative Capacity for this application.
2. Applicant is
  - ☒ a small entity.
  - ☐ other than a small entity

**CERTIFICATE OF MAILING (37 C.F.R. § 1.8)**

I hereby certify that this correspondence is, on the date shown below, being deposited with sufficient postage as First Class Mail, in an envelope addressed to the following: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 4/19/05

*Coco Betancourt*

Signature

Coco Betancourt

(type or print name of person certifying)

### EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

(complete, as applicable)

- ☐ Applicant petitions for an extension of time under 37 C.F.R. § 1.136  
(fees: 37 C.F.R. § 1.17(a)(1)-(4) for the total number of months checked below:

Extension (months)	Fee large entity	Fee for small entity
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input type="checkbox"/> three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$ 1,590.00	\$ 795.00
<input type="checkbox"/> five months	\$ 2,160.00	\$ 1080.00

Fee: \$ -0-

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- ☐ An extension for \_\_\_\_\_ months has already been secured. The fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.
- ☐ Extension fee due with this request \$ -0-

OR

- ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

### FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. § 1.16(b)-(d)) has been calculated as shown below:

Claims Remaining After Amendment	Highest No. Previously Paid For	Extra Present	Rate	Added Fee
Total: 6	12	0	\$50/25	\$0.00
Independent: 1	2	0	\$200/100	\$0.00
First Presentation of Multiple Dependent Claims:			\$360/180	\$0.00
Total Additional Fees:				\$0.00

(complete (c) or (d), as applicable).

- ☒ No additional fee for claims is required.

**OR**

- ☐ Total additional fee for claims required \$ 0.00

### FEE PAYMENT

5. ☐ Attached is our check in the sum of \$\_\_\_\_\_.
- ☐ Attached is our check in the sum of \$\_\_\_\_\_ for a petition to revive an application.
- ☐ Charge Account No. 50-0897 the sum of \$\_\_\_\_\_

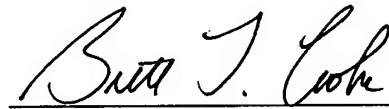
**FEE DEFICIENCY**

6. ☒ If any additional extension and/or fee is required, charge Account No. 50-0897  
(BRW003/142280)

**AND/OR**

- ☒ If any additional fee for claims is required, charge Account No. 50-0897  
(BRW003/142280)

Date: April 19, 2005



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**RESPONSE TO OFFICE ACTION**

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action of February 9, 2005, please amend this application as follows:

**Amendments to the Specification** begin on page 2 of this paper.

**Amendments to the Claims** are reflected in the listing of claims beginning on page 3 of this paper.

**Remarks** begin on page 4 of this paper.